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**STATE OF WASHINGTON  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
CONSUMER SERVICES DIVISION**

IN THE MATTER OF DETERMINING  
Whether there has been a violation of the  
Mortgage Broker Practices Act of Washington by:

NO. C-04-075-05-CO01

DAMEON V. SIMS,

Respondent.

CONSENT ORDER

COMES NOW the Director of the Department of Financial Institutions (Director), through his designee Chuck Cross, Division Director, Division of Consumer Services, and Dameon V. Sims (Respondent Sims), and finding that the issues raised in the captioned matter may be economically and efficiently settled, agree to the entry of this Consent Order. This Consent Order is entered pursuant to chapter 19.146 of Revised Code of Washington (RCW), and RCW 34.05.060 of the Administrative Procedure Act, based on the following:

**AGREEMENT AND ORDER**

The Department of Financial Institutions, Division of Consumer Services (Department) and Respondent Sims have agreed upon a basis for resolution of the matters alleged in Statement of Charges No. C-04-075-05-SC02 (Amended Statement of Charges), entered August 8, 2005, (copy attached hereto). Pursuant to chapter 19.146 RCW, the Mortgage Broker Practices Act (Act) and RCW 34.05.060 of the Administrative Procedure Act, Respondent Sims hereby agrees to the Department's entry of this Consent Order and further agrees that the issues raised in the above captioned matter may be economically and efficiently settled by entry of this Consent Order. The parties intend this Consent Order to fully resolve the Amended Statement of Charges.

Based upon the foregoing:

A. **Jurisdiction.** It is AGREED that the Department has jurisdiction over the subject matter of the activities discussed herein.

B. **Waiver of Hearing.** It is AGREED that Respondent Sims has been informed of the right to a hearing before an administrative law judge, and that he has waived his right to a hearing and any and all administrative and

CONSENT ORDER

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DEPARTMENT OF FINANCIAL INSTITUTIONS  
Division of Consumer Services  
150 Israel Rd SW  
PO Box 41200  
Olympia, WA 98504-1200  
(360) 902-8795

1 judicial review of the issues raised in this matter, or of the resolution reached herein. Accordingly, Respondent  
2 Sims agrees to withdraw his appeal and to inform the Office of Administrative Hearings in writing of his  
3 withdrawal.

4 **C. Admission of Facts and Violation of the Act.** With regard to the Factual Allegations contained in  
5 Section I (paragraphs 1.1 through 1.5) of the Amended Statement of Charges:

- 6 1. **Paragraph 1.1:** Respondent Sims admits to all of the Factual Allegations contained in paragraph  
7 1.1 of the Amended Statement of Charges.
- 8 2. **Paragraph 1.2:** Respondent Sims admits to all of the Factual Allegations contained in paragraph  
9 1.2 of the Amended Statement of Charges. In addition, without contradicting this admission,  
10 Respondent Sims contends that he submitted an application to Curt Lillibridge of Silver Lake  
11 Mortgage, Inc. to obtain a branch Mortgage Broker License under Silver Lake Mortgage, Inc.'s  
12 existing Mortgage Broker License issued by the Department.
- 13 3. **Paragraph 1.3(A):** Respondent Sims admits to all of the Factual Allegations contained in  
14 paragraph 1.3(A) of the Amended Statement of Charges. In addition, without contradicting this  
15 admission, Respondent contends that he was acting as an independent contractor with America  
16 One Finance, Inc.
- 17 4. **Paragraph 1.3(B):** Respondent Sims admits to all of the Factual Allegations contained in  
18 paragraph 1.3(B) of the Amended Statement of Charges.
- 19 5. **Paragraph 1.4(A):** Respondent Sims admits to all of the Factual Allegations contained in  
20 paragraph 1.4(A) of the Amended Statement of Charges.
- 21 6. **Paragraph 1.4(B)(1):** Respondent Sims admits that, in at least one (1) of the residential mortgage  
22 loans he originated from the unlicensed location listed in paragraph 1.1 of the Amended  
23 Statement of Charges, the purchase price was inflated so that the seller paid at least forty-two  
24 thousand four hundred fifty-five dollars (\$42,455.00) at closing for non-existent property  
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improvements that were to have been performed by an individual who had originally applied as a co-borrower on the loan. While Respondent Sims does not admit that fraud was involved in the origination of this loan, Respondent Sims acknowledges that the evidence is sufficient such that an Administrative Law Judge could find that fraud was involved in the origination of this loan.

7. **Paragraph 1.4(B)(2):** Respondent Sims admits that, in at least one (1) of the residential mortgage loans he originated from the unlicensed location listed in paragraph 1.1 of the Amended Statement of Charges, the purchase price was inflated so that the sellers paid at least nine thousand nine hundred dollars (\$9,900.00) at closing to a mortgage broker working with Respondent Sims at that unlicensed location. While Respondent Sims does not admit that fraud was involved in the origination of this loan, Respondent Sims acknowledges that the evidence is sufficient such that an Administrative Law Judge could find that fraud was involved in the origination of this loan.

8. **Paragraph 1.4(B)(3):** Respondent Sims admits that, in at least one (1) of the residential mortgage loans he originated from the unlicensed location listed in paragraph 1.1 of the Amended Statement of Charges, an attempt was made to inflate the purchase price and have the sellers pay at least seventeen thousand eight hundred seventy-five dollars (\$17,875.00) at closing for property improvements that were to have been performed by an individual who was actually the spouse of the borrower. While Respondent Sims does not admit that fraud was involved in the origination of this loan, Respondent Sims acknowledges that the evidence is sufficient such that an Administrative Law Judge could find that fraud was involved in the origination of this loan.

9. **Paragraph 1.4(B)(4):** Respondent Sims admits to all of the Factual Allegations contained in paragraph 1.4(B)(4) of the Amended Statement of Charges.

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1           10. **Paragraph 1.5:** Respondent Sims admits to all of the Factual Allegations contained in paragraph  
2           1.5 of the Amended Statement of Charges.

3       It is AGREED that, based on these admissions, Respondent Sims violated RCW 19.146.0201(1), (2) & (3);  
4       violated RCW 19.146.030; violated RCW 19.146.200; and violated RCW 19.146.265.

5           **D. Prohibition from Industry.** It is AGREED that Respondent Sims is prohibited from participating in  
6       the conduct of the affairs of any mortgage broker licensed by the Department or any mortgage broker exempt from  
7       Washington law under RCW 19.146.020(1)(d) or (f) for fifteen (15) years from the date of entry of this Consent  
8       Order in any capacity, including but not limited to: (1) any financial capacity whether active or passive or (2) as an  
9       officer, director, principal, designated broker, employee, or loan originator or (3) any management, control,  
10      oversight or maintenance of any trust account(s) in any way related to any residential mortgage transaction or (4)  
11      receiving, disbursing, managing or controlling in any way, consumer trust funds in any way related to any  
12      residential mortgage transaction.

13          **E. Application for Mortgage Broker License.** It is AGREED that Respondent Sims shall not apply to  
14      the Department for any license issued pursuant to chapter 19.146 RCW under any name for a period of fifteen (15)  
15      years from the date of entry of this Consent Order. It is further AGREED that, should Respondent Sims apply to  
16      the Department for a mortgage broker license at any time later than fifteen (15) years from the date of entry of this  
17      Consent Order, Respondent Sims shall be required to meet any and all application requirements in effect at that  
18      time.

19          **F. Complete Cooperation with the Department (statements).** It is AGREED that Respondent Sims  
20      shall provide the Department truthful and complete sworn statements outlining his activities with respect to  
21      America One Finance, Inc. (America One) and/or Silver Lake Mortgage, Inc. (Silver Lake), and any and all  
22      persons involved or in any way associated with America One and/or Silver Lake, including but not limited to  
23      owners, employees, independent contractors, agents, businesses and persons with whom America One and/or  
24      Silver Lake dealt, communicated, or otherwise related. The "sworn statements" may take the form of affidavits,

1 declarations, or deposition testimony, at the Department's discretion. A failure to cooperate fully, truthfully and  
2 completely is a breach of this Consent Order.

3 **G. Complete Cooperation with the Department.** It is AGREED that Respondent Sims shall cooperate  
4 fully, truthfully and completely with the Department and provide any and all information known to him relating in  
5 any manner to America One and/or Silver Lake and any and all persons involved or in any way associated with  
6 America One and/or Silver Lake, including but not limited to owners, employees, independent contractors, agents,  
7 businesses and persons with whom America One and/or Silver Lake dealt, communicated, or otherwise related. It  
8 is further AGREED that Respondent Sims shall provide any and all documents, writings or materials, or objects or  
9 things of any kind in his possession or under his care, custody, or control that he is authorized to possess, obtain,  
10 or distribute relating directly or indirectly to all areas of inquiry and investigation. It is further AGREED that  
11 Respondent shall testify fully, truthfully and completely at any proceeding related to the Department's  
12 investigation and enforcement actions related to America One and/or Silver Lake and any Respondents named  
13 therein. A failure to cooperate fully, truthfully and completely is a breach of this Consent Order.

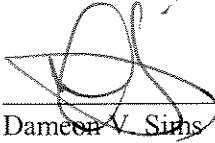
14 **H. Non-Compliance with Order.** It is AGREED that Respondent Sims understands that failure to  
15 abide by the terms and conditions of this Consent Order may result in further legal action by the Director. In  
16 the event of such legal action, Respondent Sims may be responsible to reimburse the Director for the cost  
17 incurred in pursuing such action, including but not limited to, attorney fees.

18 **I. Voluntarily Entered.** It is AGREED that the undersigned Respondent has voluntarily entered into  
19 this Consent Order, which is effective when signed by the Director's designee.

20 **J. Completely Read, Understood, and Agreed.** It is AGREED that Respondent Sims has read this  
21 Consent Order in its entirety and fully understand and agree to all of the same.

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1 **RESPONDENT:**

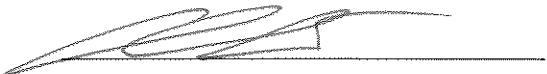
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Darnell V. Sims

10/24/05  
Date

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7 **DO NOT WRITE BELOW THIS LINE**

8 THIS ORDER ENTERED THIS 15<sup>th</sup> DAY OF <sup>November</sup> ~~OCTOBER~~, 2005.



  
CHUCK CROSS  
Director  
Division of Consumer Services  
Department of Financial Institutions

CONSENT ORDER